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**LAW OFFICES OF
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September 15, 2006

The Honorable Magistrate Judge Robert M. Levy
United States District Court
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Honorable Sir:

Re: Gutman, et al. v. Klein, et al.
03 Civ. 1570 (BMC)

After discussing the issues raised herein with opposing counsel last night, and receiving no response today from Mr. Oved and after sending a preliminary draft of this letter by FAX to opposing counsel today, without a response, I write at this time to express good cause for modification of the order to release the computer hard drives.

Mr. Klein is concerned that through inadvertence or any other event, the privileged documents contained on the hard drive will somehow be reproduced. To eliminate this possibility, we propose that Mr. Klein's hard drive be delivered to a neutral qualified computer science professional (an "Expert") agreeable to the parties or appointed by the Court.

The Expert will immediately transfer to a CD the quicken files and files not claimed by Mr. Klein to be privileged and or irrelevant and deliver same to Oved & Oved as well as the undersigned. The Expert would then transfer to a CD all documents claimed to be privileged and or irrelevant after Mr. Klein furnishes a modified and pared down privilege log by the September 27, 2006 deadline. The CD and or hard copies would then be sent by the expert to your Honor. Mr. Klein would be afforded two weeks to file objections to the disclosure and opposing counsel could respond in whatever time the Court sees fit. The Court would then rule on the disclosure issue.

The hard drive would be analyzed by the expert who would

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generate a report/list of all deletions, evidence of relabeling and changes to files as well as the actual files involved where there have been deletions, relabeling and or changes to the extent that same can be reproduced. The work product of the Expert would then be furnished to the Court and to the undersigned. We would then advise opposing counsel and the Court of, which if any files, we raise an objection to based on relevance or privilege and the Court would determine the issues.

An arrangement along the lines of the foregoing will protect the integrity of the need for confidentiality as well as the right of Mr. Gutman to determine whether there have been deletions and or changes to any of the files.

If the Expert is agreed upon or appointed by Your Honor, the hard drive can be released to him or her immediately.

We await your response to the foregoing.

Very truly yours,
/B/barry R. Feerst
BARRY R. FEERST

cc: Oved & Oved LLP
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